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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Revision of Part 22 and Part 90) WT Docket No. 96-18
of the Commission's Rules to)
Facilitate Future Development)
of Paging Systems)
)
Implementation of Section 309(j)) PP Docket No. 93-253
of the Communications Act --)
Competitive Bidding)

To: The Commission

**COMMENTS ON PETITION FOR
RECONSIDERATION FILED BY PRONET, INC.**

Nucla-Naturita Telephone Company (NNTC), by its attorneys, and pursuant to Section 1.429(f) of the Commission's Rules, hereby comments on the April 17, 1997 Petition for Reconsideration filed by ProNet, Inc. (ProNet) in the captioned proceeding. NNTC opposes ProNet's Petition insofar as it requests that Rule Section 22.723 be modified so that it "confer[s] no right on [Rural Radio Service] licensees to continue, for six months after receiving notice from the co-channel primary licensee, operations that cause actual interference to that licensee." Petition of ProNet at 20.

I. Immediate Termination of Secondary BETRS Operation is Contrary to the Public Interest.

In its Second Report and Order in the captioned proceeding, 12 FCC Rcd 2732 (1977), the Commission offered limited protection for the continued provision of new Basic Exchange Telecommunications Radio System (BETRS) services by

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permitting BETRS licensees the option of licensing future central office stations on a secondary site-by-site basis. Second Report and Order, at para. 35. While the Commission stated that BETRS authorizations issued as of the effective date (May 12, 1997) of the Second Report and Order will be secondary, the Commission provided such secondary BETRS licensees with a six-month period, from the time of notification, to cease operation in the event that a geographic area licensee determines that the BETRS station is causing or could cause harmful co-channel interference to a station constructed pursuant to a geographic area license.¹

In particular, the Commission stated that

[it] will allow the Rural Radiotelephone or BETRS licensee to [continue to] obtain site licenses and operate [those] facilities on a secondary basis. If any geographic area licensee subsequently notifies the Rural Radiotelephone or BETRS licensee that a secondary facility must be shut down because it may cause interference to the paging licensee's existing or planned facilities, the Rural Radiotelephone or BETRS licensee must discontinue use of the particular channel at that site no later than six months after such notice.

Id. at 2753-54 (para. 35).

¹ Upon notification of harmful interference, the BETRS carrier should be given an opportunity to demonstrate interference-free operation, utilizing the criterion of Rule Section 22.709(d). Since BETRS operators typically use low-power transmitters and narrow beamwidth antennas, it is expected that rural BETRS operations will be able to co-exist with urban and suburban paging operations. without harmful co-channel interference.

ProNet's request for the immediate termination of secondary BETRS operations, upon notification of interference, is tantamount to a demand that the Commission should give greater preference and protection to paging, clearly a less essential communication service in rural America over the more essential basic local exchange telephone service. See ProNet Petition at 21. As previously demonstrated in this proceeding, ProNet's requested revision to Rule Section 22.723 (and the Commission's adoption of secondary status for BETRS): (i) would create an unreasonable burden on people in rural areas who must rely on BETRS as their sole means of telephone service, (ii) will result in the immediate loss of essential communications services to the public in rural America, and (iii) is contrary to the universal service mandate of Section 1 of the Communications Act of 1934, as amended.² Indeed, relegation of BETRS to second class status seems totally at odds with the Commission's recent commitment to universal service. See Report and Order, CC Docket No. 96-45, released March 8, 1997.

While NNTC is sensitive to the requirements of incumbent paging licensees, and fully supports the protected status of paging stations licensed pursuant to applications

² See Petition for Reconsideration of NNTC at 5; Petition for Reconsideration of Big Bend Telephone Company at 5; Petition for Reconsideration of Mid-Rivers Telephone Cooperative, Inc. at 5.

filed as of the adoption date of the Second Report and Order and placed in service prior to the secondary BETRS station, it opposes the immediate disruption of basic exchange telephone service to rural subscribers (and the permanent denial of such service) as a result of the subsequent installation of a new paging transmitter by a geographic area paging licensee.³

ProNet's proposal demonstrates the intention to immediately terminate essential communications services, including local telephone exchange services (for which there is no alternative) without regard to the safety and welfare of the public. ProNet's "no notice" plan would leave users of secondary BETRS facilities without telephone service, perhaps, indefinitely, while the telephone carrier scrambles to find an alternative means of service, if any. In many areas, there may be no alternative. In the meantime, these subscribers will have no means of summoning help in the event of an emergency.

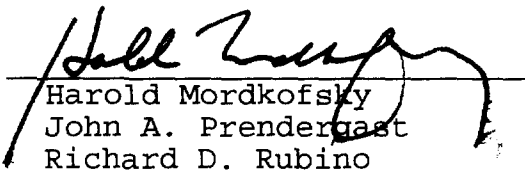
³ ProNet's requested clarification of Rule Section 22.723, if adopted, could lead to the irony that a paging licensee could provide service in an area where there is no telephone service. Imagine a paging licensee going to a rural subscriber and saying: "We are terminating your telephone service immediately so that we can provide you with paging service." A more absurd result could hardly be imagined.

Accordingly, the Commission should not adopt ProNet's proposal.

Respectfully submitted,

NUCLA-NATURITA TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I, Richard D. Rubino, an attorney with the Law Offices of Blooston, Mordkofsky, Jackson & Dickens, certify that a copy of the foregoing "Comments on Petition for Reconsideration filed by ProNet, Inc." was mailed this 9th day of May, 1997, by United States first class mail, postage prepaid, to the following:

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